

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MYRON GAYLORD BRANDON,

Petitioner,

v.

DEPARTMENT OF CORRECTIONS,

Respondent.

Case No. C05-5417FDB

ORDER

This 28 U.S.C. § 2254 petition for habeas corpus relief has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 (b) and local Rules MJR 3 and 4. Before the court is petitioner's motion to stay under rule 8(a). (Dkt. # 9). In reviewing the petition prior to service the court noted that petitioner had filed another habeas petition on the same conviction. The court entered an order to show cause and in error referred to this petition as a petition filed under 28 U.S.C. § 2255. The court recognizes this petition is filed under 28 U.S.C. § 2254.

The other petition has been dismissed as a mixed petition. Brandon v. State of Washington, C04-05617KLS. Thus, the court no longer considers this petition as a second or successive petition.

The motion to stay indicates petitioner has or had a petition pending in state court. (Dkt. #

1 9). Petitioner has not show any good cause for staying this petition and the motion to stay is
2 **DENIED.**

3 The court will order service of this petition and call for a response in a separate order.
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5 DATED this 23rd day of August, 2005.
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9 Karen L. Strombom
10 United States Magistrate Judge
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